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VIA FEDERAL EXPRESS

Maryland Occupational Safety
and Health Advisory Board
501 St. Paul Place
Baltimore, Maryland 21202

Re: Draft Prohibition on Smoking in the Workplace

Honorable Members of the Board:

I am respectfully enclosing the comments of Philip Morris Companies, Inc. regarding the above-referenced matter. We appreciate the opportunity to comment in this proceeding and look forward to participating in the rulemaking process.

Our submission consists of one volume of comments and 32 volumes of reference materials. The comments volume contains the following:

1. Overview;
2. Brief in Opposition to the Draft Prohibition;
3. Summary Analysis -- Environmental Tobacco Smoke: The Scientific Issues of Exposure and Health; and
4. Summary Analysis of Selected Responses to Federal OSHA's Request for Information on Occupational Exposure to Indoor Air Pollutants.

We have enclosed 15 copies of the comments volume, as requested in the hearing notice.

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The reference volumes consist of two sets, one containing scientific data underlying the Summary Analysis entitled "Environmental Tobacco Smoke: The Scientific Issues of Exposure and Health" and the other containing selected responses to federal OSHA's Request for Information on Occupational Exposure to Indoor Air Pollutants. Because of the large amount of reference materials included in our submission, Maryland Assistant Attorney General Elaine Patrick suggested that we submit only one copy of those volumes. According to Ms. Patrick, the reference volumes will remain on file at the Division of Labor and Industry where they may be reviewed by individual Board members upon request. We would also be happy to provide copies of particular reference materials to individual Board members upon request.

In addition to our written submission, we intend to testify before the Board at its public hearings later this month. We look forward to this opportunity to address the Board in person.

We are firmly committed to working in a constructive and cooperative manner with the Board and the Commissioner in this proceeding. We believe that if the Board is presented with all relevant factual data and if it views the data completely and fairly, it will be in the best possible position to make an equitable decision.

Philip-Morris Companies, Inc. is the largest consumer packaged goods company in the world. Its subsidiaries include Philip-Morris U.S.A., the largest cigarette company in the United States; Philip-Morris International, the leading United States exporter of cigarettes; Kraft General Foods, the largest processor and marketer of packaged grocery, coffee, cheese and processed meat products in the United States; and Miller Brewing Company, the second largest brewing company in the world. These companies produce brand name products such as Maxwell House, Sanka, Jell-O, Post, Kool-Aid, Marlboro, Entenmanns, Kraft cheeses, Parkay margarine, Oscar Mayer, Louis Rich, Breyers, Birds Eye, Cool Whip, Miller High Life beer, and Lite beer. Total employment is approximately 168,000, of which approximately 100,000 workers are employed in the United States.

The Company's interests in this rulemaking are twofold: (1) as an employer with over 500 employees and 12 facilities in the State of Maryland, and (2) as the largest manufacturer and exporter of cigarettes in the United States. Because of our size and diversity, we have considerable knowledge and experience with respect to both of these interests. We, therefore, offer the assistance of that technical experience and expertise, both as employers who own and manage a wide variety of buildings and with

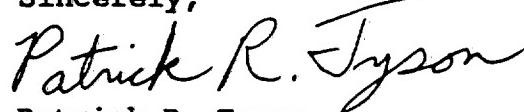
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respect to the issue of the effects of environmental, or as we will reference it in our submission, passive tobacco smoke (PTS).

We recognize the complexity and sensitive nature of the PTS issue. We know that many people may find smoking objectionable. In fact, we reflect that knowledge in smoking policies covering our own employees. In these policies, we acknowledge the rights of all employees, and encourage the accommodation of both smokers and non-smokers through tolerance, common sense, and courtesy. When this is unsuccessful, supervisors are responsible for accommodating the preferences of each employee.

As the Board undertakes its consideration of this complex issue, we urge its members to do so in a fair and impartial manner, and not to allow issues of personal preference or bias to color their scientific and technical judgment. We have been thoughtful and sincere in our preparation of this submission. We have not attempted to mislead the Board or urge it to adopt positions that are not well supported by a fair interpretation of the relevant data. We trust and hope that each Board member will view the evidence objectively.

Sincerely,


Patrick R. Tyson
Attorney for Philip Morris
Companies, Inc.

PRT/dls
Enclosures

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